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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,785	11/22/2000	Cary A. Jardin	042390.P8899	3950

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Crystal D Sayles
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER

AKPATI, ODAICHE T

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/721,785	JARDIN ET AL.	
	Examiner	Art Unit	
	Tracey Akpati	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending. No amendments have been made. The attorney's arguments are traversed below. The prior rejection has been maintained. This action is final.

Response to Arguments

Applicant's arguments filed 7/6/2004 have been fully considered but they are not persuasive.

2. *The attorney argues that Gabou et al does not monitor for an intrusion as recited by Claim 1, instead Gabou et al prevents an intrusion from occurring by switching to a secure mode when no user information is being transmitted.* The attorney admits to Gabou et al preventing an intrusion from occurring by switching to a secure mode. Hence the attorney understands that the purpose of Gabou et al's invention is to prevent intrusions. To do this, monitoring of the terminal to detect an intrusion is a necessary prerequisite step and hence obvious to one of ordinary skill in the art.

3. *The attorney argues that Gabou et al does not teach or suggest "a security switch to switch the first link from a non-secured mode to a secured mode when a report of said detected failures or intrusions is received from the bus monitor."* This limitation is clearly met by Gabou et al on column 2, lines 19-23.

4. *The attorney argues that Liu does not teach the element of a network interface.* Liu clearly teaches a network interface component on column 8, lines 45-50.

5. *The attorney argues that Liu does not teach a bus monitor or a security switch.* This is already stated in the prior office action that these limitations are met by Gabou et al and not Liu as the attorney has inaccurately assumed.

6. *With respect to Claim 8, the attorney argues that Gabou does not teach a controller to monitor a link between the interface device and the server...* Gabou et al's teaching of the process steps on column 3, lines 4-6, 17-30, of monitoring a link between the interface device and server makes the existence of a controller that performs this process steps obvious.

7. All other arguments listed have already been traversed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabou et al (6583714 B1) in view of Liu (6079020).

With respect to Claim 1, the Gabou et al meets the limitation of "a computer" on column 1, lines 46-51 (the radio communications terminal represents the computer); and "a bus monitor to monitor a first link between the network interface device and the computer, where said bus

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monitor reports detected failures or intrusions; and a security switch to switch the first link from a non-secured mode to a secured mode when a report of said detected failures or intrusions is received from the bus monitor” on column 1, lines 46-57 and column 2, lines 19-23. The radio communications terminal represents a computer because it represents an array of cellular/cordless/mobile devices that inherently have a chip built within it, hence qualifying it as a computer. The monitoring occurs when the terminal detects that no user information has been transmitted, and then it switches to a secure mode. The failure detected is the failure of the user information to be entered/transmitted. This helps to protect the radiocommunications terminal from unauthorized use, i.e. an intrusion. Gabou et al however does not meet the limitation disclosed below.

The limitation of “a network interface device to provide the computer with access to the network” is met by Lui on column 8, lines 45-50.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lui within the system of Gabou et al because a network interface device is a well known means for connecting a computer device (be it wired or wireless) to a network. In the case of a wireless device, it is called a network interface card.

With respect to Claim 2, the limitation of the computer being a server is met by Liu on column 8, lines 45-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because a server is an obvious variation of a terminal, being that it stores user information that can be accessed by user, whenever necessary.

With respect to Claim 3, all the limitation is met by Gabou et al except the limitation of a network operating in a secure mode using the HTTP-S protocol. This limitation is met by Liu on column 11, lines 45-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because HTTP-S is a well known method of providing a secure communication channel for a HTTP page. This method utilizes SSL and hence this provides the security desired.

With respect to Claim 4, all the limitation is met by Gabou et al except the limitation of a non-secured mode of the first link between the network device and the computer using an HTTP protocol. This limitation is met by Liu on column 11, lines 45-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because HTTP is a common, well known protocol.

With respect to Claim 5, all the limitation is met by Gabou et al except the limitation of the secured mode of the first link between the network device and the computer using an HTTP – S protocol. This limitation is met by Liu on column 11, lines 45-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because HTTP-S is a well known method of providing a secure communication channel for a HTTP page. This method utilizes SSL and hence this provides the security desired.

With respect to Claim 6, the limitation of “a controller that receives the report from the bus monitor and sends control signals to the network interface device, the security switch and the computer” is met by Gabou et al in Fig. 1 and on column 3, lines 4-6 and 17-30.

With respect to Claim 7, all the limitation is met by Gabou et al except the limitation disclosed below.

The limitation of “an encryption element in the computer, where said encryption element converts data placed on said first link to a secured protocol when the control signal is received from said controller” is met by Liu on column 11, lines 45-50. With the use of HTTP-S, SSL which is inherently implemented utilizes an encryption step. Hence the encryption step is inherent with the HTTP-S protocol.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because HTTP-S is a well known method of providing a secure communication channel for a HTTP page.

With respect to Claim 8, the limitation of “a controller to monitor a link between the interface device and the server, where said controller switches the link from a non-secured protocol to a secured protocol when failures or intrusions are detected on the link” is met by Gabon et al on column 3, lines 4-6, 17-30. Gabon et al however does not disclose the limitation disclosed below.

The limitation of “an interface device to provide the server with access to a network” is met by Lui on column 8, lines 45-50.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because an interface device is a well known method of connecting a device to a network.

With respect to Claim 9, all the limitation is met by Gabou et al except the limitation disclosed below.

The limitation of “wherein the network is Internet, such that the non-secured protocol includes HTTP and the secured protocol includes HTTP-S” is met by Liu in the abstract and on column 11, lines 45-50. In the abstract, the public data network represents the Internet claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because HTTP-S is a well known method of providing a secure communication channel for a HTTP page.

With respect to Claim 10, the limitation of “wherein said controller sends a control signal to the terminal when failures or intrusions are detected on the link” is met by Gabou et al on column 3, lines 4-6 and 17-30.

With respect to Claim 11, its limitation is the very similar to Claim 7 limitation except for the fact that the computer is now a server. A VPN management station is however shown in Liu on column 8, lines 45-50, and this station represents a server.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liu within the system of Gabou et al because a server is

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an obvious variation of a terminal, being that it stores user information that can be accessed by user, whenever necessary.

With respect to Claim 12, Gabou et al meets the limitation of “first directing the link to use a secured protocol when failures or intrusions are detected on the link” on column 1, lines 52-54; and “second directing the link to revert to a non-secured protocol when said detected failures or intrusions have been corrected” on column 1, lines 52-57 and column 3, lines 29-30. Gabou et al however does not meet the limitation of a network device. This is however met by Liu on column 8, lines 45-50.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Liu within the system of Gabou et al because a network interface is a necessary link between a computer and the network, to enable a connection.

With respect to Claim 13 and 17, its limitation is very similar to Claim 4 limitation and hence its rejection can be found therein.

With respect to Claim 14 and 18, its limitation is very similar to Claim 3 limitation and hence its rejection can be found therein.

With respect to Claim 15, its limitation is very similar to Claim 12 limitation except for the fact that a server is claimed instead of a computer. This server is an obvious variation of a terminal because it likewise stores information that the user can access, whenever necessary.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

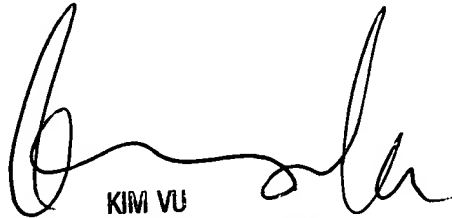
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 571-272-3846. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100